

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 18-20698

Hon. ARTHUR J. TARNOW

D-1 KEVIN RAYMOND STROUD,

Defendant.

**STIPULATION TO ADJOURN EVIDENTIARY HEARING, FINAL
PRETRIAL CONFERENCE, AND JURY TRIAL, SET NEW DUE DATE
FOR RESPONSE TO DEFENSE MOTION, AND FIND EXCLUDABLE
DELAY UNDER THE SPEEDY TRIAL ACT**

The above parties, by and through their respective counsel, stipulate and agree that there is good cause to adjourn the Evidentiary Hearing, Final Pretrial Conference, and Jury Trial in this case until a date on or after March 25, 2019, and to set a new date by which the government's response to the defendant's motion is due. This extension of time is necessary to allow the parties to engage in plea negotiations relative to potential new charges the defendant may now be facing arising out of a separate incident. Defendant concurs in this request and agrees that it is in his best interest.

The parties also stipulate and agree that they have been, and continue to be, engaged in ongoing plea negotiations. Therefore, the period of delay between the

date of this order and the new trial date should be deemed excludable delay under the provisions of the Speedy Trial Act, 18 U.S.C. § 3161, as “other proceedings concerning the defendant,” 18 U.S.C. § 3161(h)(1); *see United States v. Dunbar*, 357 F.3d 582, 593 (6th Cir. 2004), *vacated on other grounds (Booker)*, 543 U.S. 1099 (2005); *United States v. Bowers*, 834 F.2d 607, 609-10 (6th Cir. 1987) (per curiam).

Additionally, the parties agree that the adjournment would serve the ends of justice, and that the failure to grant this continuance “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence,” 18 U.S.C. § 3161(h)(7)(B)(iv). Therefore, “the ends of justice served by the granting of such continuance [will] outweigh the best interests of the public and the defendant in a speedy trial,” 18 U.S.C. § 3161(h)(7)(A), and the parties request an order to that end.

s/Andrew R. Picek
Andrew R. Picek
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
(313) 226-9652
andrew.picek@usdoj.gov

s/James W. Amberg (with consent)
James W. Amberg
Counsel for Kevin Raymond Stroud
104 W. 4th St., Ste 305
Royal Oak, Michigan 48070
(248) 681-6255
jamberg@amberglaw.net

Dated: February 25, 2019

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 18-20698

Hon. ARTHUR J. TARNOW

D-1 KEVIN RAYMOND STROUD,

Defendant.

ORDER FOR ADJOURNMENT AND FINDING OF EXCLUDABLE DELAY

This matter coming before the court on the stipulation of the parties, it is hereby

ORDERED that good cause exists to extend the final pretrial conference and evidentiary hearing to the date of March 25, 2019 at 2:30 PM; and to extend the date for the government to file any response to the defendant's motion to the date of March 20, 2019; the trial date is adjourned to a date to be determined.

ORDERED that the time period between the date of this order and March 25, 2019, shall be deemed excludable delay under the provisions of the Speedy Trial Act because the parties have been engaged in plea negotiations and therefore engaged in

“other proceedings concerning the defendant,” 18 U.S.C. § 3161(h)(1).

Moreover, the interests of justice call for excludable delay under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7).

IT IS SO ORDERED.

s/Arthur J. Tarnow
Hon. Arthur J. Tarnow

Entered: February 26, 2019